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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,585	03/17/2004	Laurent Daynes	SUNMP337A	6143
32291 7590 04/02/2009 MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085				
EXAMINER				
KANG, INSUN				
ART UNIT		PAPER NUMBER		
2193				
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04/02/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,585

Applicant(s)

DAYNES ET AL.

Examiner

INSUN KANG

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-24 and 26 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 11 and 25 is/are rejected.
- 7) ☒ Claim(s) 3, 5-10, 12, and 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responding to amendment filed on 12/30/2008.
2. Claims 1-26 are pending in the application.

Allowable Subject Matter

3. Claims 3, 5-10, 12, and 13-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 19-24 and 26 are allowed.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 25 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 25 and 26 are non-statutory because they are directed to a “program product” embodied on a computer readable medium that can be a distribution/transmission medium such as defined in the instant specification (i.e. 00141). Such a medium does not have a physical structure, rather it is the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism per se, and, thus, does not fit within the definition of the categories of patentable subject matter set forth in § 101. Therefore, the claims are non-statutory.

The following link on the World Wide Web is for the United States Patent And

Trademark Office (USPTO) policy on 35 U.S.C. §101. The following link on the World Wide Web is for the United States Patent And Trademark Office (USPTO) policy on 35 U.S.C. §101.
http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 4, 11, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by
Berry et al. (US 6,738,977, previously cited) hereafter Berry.

Per claim 1:

Berry discloses:

A method for reducing a usage of main memory by a first class loader
and a second class loader, the first class loader and the second class loader being
capable of dynamically loading a class having a class file, the first class loader being
capable of translating the class file into a first class type and the second class loader
being capable of translating the class file into a second class type, the method
comprising: (i.e. col. 2 lines 45-55; col. 3 lines 40-65)
- dividing a runtime representation of the first class type into a first loader
independent part and a first loader dependent part (i.e. col. 3 lines 58-65)
- determining whether a runtime representation of the second class type can use the first loader

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independent part of the runtime representation of the first class type (i.e. col. 3 lines 58-65; col. 4 lines 1-15); and if the first loader independent part of the runtime representation of the first class type can be used by the runtime representation of the second class type, generating a second loader dependent part of the runtime representation of the second class type using the first loader independent part of the runtime representation of the first class type (i.e. (i.e. col. 3 lines 58-65; col. 4 lines 1-15).

Per claim 2:

Berry discloses:

-generating from the second class file a second loader dependent part of the runtime representation of the second class type and a second loader independent part (i.e. col. 3 lines 58-65; col. 4 lines 1-15).

Per claim 4:

Berry discloses:

the class file encodes an architecturally neutral binary representation of the class (i.e. col. 6 lines 22-40).

Per claim 11:

Berry discloses:

- an instance of the first class type includes a reference to the first loader dependent part of the runtime representation of the first class type (i.e. col. 3 lines 58-65; col. 4 lines 1-15).

Per claim 25, it is the computer program version of claim 1, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 1 above.

Response to Arguments

9. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Therefore, this action is made non-final.

Examiner's Statement of Reason(s) for Allowance

10. Claims 19-24 and 26 are allowed.

11. The following is an examiner's statement of reasons for allowance:

The cited prior arts of record, i.e. Berry, Czajkowski, taken alone or in combination, fail to teach or fairly suggest at least: determining the satisfaction of a second condition, the second condition being defined by a second loader independent part of a runtime representation of a super software component type of the second software component type being the same as a loader independent part of a runtime representation of a super software component type of the first software component type; determining the satisfaction of a third condition, the third condition being defined by the second software component type having the same unimplemented methods as the first software component type; using the first loader independent part...when the first, second, and third conditions are satisfied recited in claims 19 and 26.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to INSUN KANG whose telephone number is (571)272-3724. The examiner can normally be reached on M-R 7:30-6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock, Jr. can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Insun Kang/

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